

DOCUMENT RESUME

ED 261 498

EC 180 565

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TITLE [Educational Services for Handicapped Students in Correctional Settings.]
PUB DATE Feb 85
NOTE 15p.; Paper presented at the Annual Convention of the Association for Children and Adults with Learning Disabilities (2nd, San Francisco, CA, February 20-23, 1985).
PUB TYPE Speeches/Conference Papers (150) -- Guides - Non-Classroom Use (055)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Correctional Education; Correctional Institutions; *Disabilities; Elementary Secondary Education; *Federal Legislation; *Program Implementation

ABSTRACT

Issues in educational programing for incarcerated youth are explored. The following concerns affecting the implementation of P.L. 94-142 (The Education for All Handicapped Children Act) mandates in juvenile court schools and correctional facilities are discussed: (1) variable state mandates affecting education in correctional facilities; (2) varied standards of operation for education programs in correctional facilities; (3) effects of the mobility of the student population on the continuity of educational programing; (4) lack of previous identification of students due to poor attendance; (5) failure of correctional education to interface with local general education programs and standards; (6) lack of funding to adequately address the needs of the handicapped in correctional facilities; and (7) inordinate administrative requirements to implement the mandate. To remedy these problems, a variety of recommendations are offered, including basing the education program on individualized assessment and instruction, having the program reflect community proficiency standards as well as curriculum, and making available followup or outreach programs. (CL)

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[Educational Services for Handicapped Students in
Correctional Settings.]

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It has been suggested in many community sectors that students in correctional settings are not receiving the kind of educational services to which they are entitled. Especially significant is the thought that the handicapped are not receiving required special education services in these settings and that such services are generally unavailable to incarcerated handicapped youth. If the veracity of these contentions is to be explored, we need to look to major organizational and philosophical impediments to the development of appropriate education intervention models for incarcerated youth.

With the passage of Public Law 94-142, the Education of the Handicapped Act (EHA), the federal service mandates for the handicapped were codified. The power of these mandates has been realized in every educational strata and community except in the ranks of correctional educational programs. Whether the educational programs offered in correctional facilities would ultimately benefit from implementation of such program and service mandates is the subject of much debate. In any case, amidst the debate, interest has focused on the overall nature and quality of educational programming for incarcerated youth. Coeducational education can afford to be the center of focus.

Among the major issues affecting the implementation of PL94-142 service mandates in juvenile court schools and correctional facilities are:

- A. the variable state mandates affecting education in correctional facilities.
- B. the varied standards of operation for education programs in correctional facilities.
- C. the mobility of the student population affects the continuity in

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educational programming; lengths of stay vary from a few days to a year or more.

- D. students are not previously identified as handicapped due to their lack of prior school attendance and history of truancy.
- E. the failure of correctional education to interface with local general education programs and standards.
- F. the lack of funding to adequately address the needs of the handicapped in correctional facilities.
- G. the inordinate administrative requirements in order to implement the mandates; excessive paperwork and administrative time required for a population with an extremely high turnover rate.

Mandates

State laws vary, nationwide, in addressing the educational needs of incarcerated youth. Many of the state laws governing education apply only to "school districts", not necessarily to juvenile court authorities. It is only within recent years that the state education code in California has been applied to various aspects of juvenile court school operations; in the early 1970's, county schools offices were given responsibility for operating educational programs for incarcerated youth within education code mandates.

In the initial stages of implementation of PL94-142, there was uncertainty as to whether the law could apply to the handicapped in correctional facilities. The most complex issue facing the implementation of PL 94-142 in the early years was deciding "who" was responsible for serving the handicapped. Many states had to reshuffle service mandates affecting other state and local agencies serving the handicapped in state institutions. The issue of governance presented no less a problem with regard to education service responsibilities in correctional facilities. Certainly it was unclear just how due process rights would apply in a

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situation where the court had assumed jurisdiction; this issue is still not settled. Coupled with the frequently inconsistent state service mandates for the handicapped and varying eligibility criteria, it is easy to see how attention has been focused on school district and state compliance with the basic requirements of the federal law at the local education agency level and how students residing in correctional settings have been ignored.

Under the statutes and regulations, the implementation of the Education of the Handicapped Act was a primary responsibility of state and local education agencies or school districts. However, the reality of juvenile court programs was that this population was usually served by agencies other than local school districts, i.e. the Massachusetts Department of Youth Services. These agencies were initially unsure of whether and how PL 94-142 regulations applied to court supported programs.

Standards

The governance issue has also had a great impact on the adoption and implementation of educational standards for correctional education programs. As an example, state laws which require the adoption of standards for graduation frequently do not apply to juvenile court school programs. Curriculum and course of study standards, while available and emphasized at the local school district level, are more often nonexistent in juvenile court settings and educational programs. This failure to attend to educational standards has further aggravated correctional education's inability to reflect local community standards and federal categorical program standards.....ultimately affecting a student's ability to reintegrate into community schools or work situations.

Without appropriate curriculum and educational standards in the regular education program overall, there is little utility in focusing on

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"specialized" program offerings for incarcerated handicapped. The quality of educational programming for the handicapped can be no better than the quality inherent in the educational program available to all youngsters within a school system.

Mobility of students

It is common for adjudicated youth in major metropolitan areas to have been through several "placements" in one year. Many will go through several placements for short durations just waiting for the judicial process to make a final determination in their case. These short in-and-out stays in correctional holding patterns present a primary obstacle to continuity in educational plan development, both special and regular/general education. In Los Angeles County, the average length of stay in a residential probation camp is 5 months, with a range of 3-13 months. Trends are in the direction of shorter stays in juvenile detention facilities. Increasingly, educational programs in correctional facilities have been required to individualize in order to be able to develop a successful program for any incarcerated student.

Prior educational history

Of equal importance is the fact that the majority of these students have an extensive history of truancy and non school attendance, often for most of their school careers. As such, up to date school information is often lacking, and there may never have been a referral for special education or a formal assessment completed for this child. Without adequate information on prior school performance or educational history, the process of identifying a pupil as in need of special education becomes unduly "clinical" and relies on little more than norm referenced assessments to make a determination that he/she is an I/WEN. Making a clinical or "spot" diagnosis is ineffective because incarcerated youth

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appear "different" in juvenile court settings than they would in the regular school.

The availability of relevant educational data and information regarding educational background are most important factors in effective programming for incarcerated youth. During the initial period of adjudication a probation officer or other worker may attempt to gather appropriate information from the local school prior to the formal court disposition hearing. However, due to a poor prior attendance history at school, relevant educational information on a particular student is often not available to assist the court in any determination of sentence or placement. The lack of a thoroughly coordinated system for the transfer of information to other program providers including other educational facilities, correctional facilities and agencies presents the greatest impediment to effective educational programming for youth in the juvenile justice system.

Correctional education vs general education

Correctional education programs should reflect the basic educational programming available to students in their community schools, particularly in regards to basic skills development and curriculum standards. Juvenile court schools students are expected to reintegrate into their community at the end of their sentence or incarceration. For many, this means reintegration into an educational program or community school. Successful reintegration into a community high school depends on the availability of follow-up supportive help as well as the integration of the student into the course of study. In order to prepare an incarcerated youngster for successful reintegration in the community schools, the student must identify with community standards. Success requires that the educational program in correctional facilities maintain the same

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standards as a community school. In an analysis of student transcripts for students entering juvenile court schools in 1982, Los Angeles County Office of Education found that freshman entering court school failed approximately 50% of the courses they take in their home district. Sophomores enrolled in court Schools in L.A. County have failed one of every two classes they've enrolled in in their home districts while juniors fail 60% in the district of residence. The community school has been a failure for these students. Therefore, an important component in the successful correctional education program model is direct liaison with community schools and "aftercare" support services such as outreach counseling

The larger issue may very well be that the community program may not be appropriate to meet the needs of this population, however, this is not an issue to be addressed in this paper, merely highlighted to reflect some of the evidence or available data. It remains that the juvenile court schools educational program must reflect the community standards because, in the long run, the student returns to his/her community as a student or a worker when the period of incarceration is completed.

Given the current reality, correctional education needs to keep the students earning credits which are recognized by the community school as counting toward earning a diploma and meeting the community standards for graduation. This emphasis on reflecting community standards in correctional education programs is required in order for the program to be meaningful to the student who reintegrates into the community at the end of his sentence. In California, each local school district is required to adopt standards of proficiency and minimum competency for earning a high school diploma. Consequently, many have developed proficiency exams and require passage of the exams as well as the adopted course of study in

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order to receive a diploma. Most districts mandate administration of the proficiency exams at several points in student's career in order to provide opportunities for remediation and counseling if appropriate. The Court Schools in Los Angeles County will administer those proficiency tests with the permission of the district for those students projected to return to the district educational programs. In the instance of a student that will be finishing his high school career while incarcerated, Court Schools administer the district proficiency tests in order for the student to be able to earn a diploma from his local school district. A continuing liaison is maintained with all school districts in the county(83) in the interest of smoother transitioning back into the community and in order to adequately reflect and implement expressed community standards.

Assisting in the interface of the L.A. County Schools program with local district programs is the fact that the County Court Schools program has received full accreditation by the Western Association of Schools and Colleges, the recognized accreditation agency in the West. The achievement of such a certification has resulted in full recognition of the Court Schools Division educational standards by local school district authorities.

Lack of funding

With growth of special education services and funding in the seventies and early eighties, little attention was paid to the juvenile court populations. And, as referenced above, this group was completely forgotten as possible candidates for "unserved" or "underserved" categories given preference under PL94-142. In fact, few wanted to even look at this population until issues of program funding and eligibility were worked out for the local school district populations as a whole. Additionally, there was uncertainty as to whether PL94-142 even applied to juvenile court schools

youngsters.

Since the early years of spiraling growth in special education, many state legislatures have sought to place funding caps on special education, in effect "freezing" service growth. This trend has greatly effected the handicapped in juvenile detention facilities. For example, in California, with the enactment of SB1870 and subsequent special education funding bills, funding caps and fiscal disincentives were put in place to discourage growth in special education after 1980. County Offices of Education which generally provide the educational programs in correctional facilities could no longer rely on any ability to levy taxes after the passage of Proposition 13 in 1979, and have no general fund from which to draw (as a school district would as a result of their taxing authority). County Offices could no longer supplement the funding of educational programs in the interest of quality program operations.

Any renewed attention to the needs of the handicapped in correctional facilities would have to bring additional dollars not only for program operation but especially for support services.

Administrative requirements

With the ever troublesome turnover rate in most of your major metropolitan juvenile detention facilities, comes the major administrative burden of paperwork and processing. The requirements of PL94-142, as enacted through state statutes, are unduly cumbersome and require an inordinate amount of administrative and logistical support. The provision of services to the handicapped may be at its most inefficient in juvenile detention facilities. Without systemwide coordination of the educational programs and services in correctional facilities, little benefit can be gained from initiating the referral and assessment process at several different institutional placements in a

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three to five month period. As an example, it is not unusual to have a youngster brought into L.A. County Juvenile Hall for processing while he awaits a hearing. During this period, which could be any duration from a day or less to months, the student attends the school operated at the facility. At any point in time the youth can be transferred to another facility or released to the custody of parents. Following final disposition by the courts, the child could be placed in a probation camp. This placement, too, may be shortened for security reasons with the youth ending up at another facility for the remaining months of his sentence. Thus, special education evaluations are difficult to schedule and conduct. In fact, educational programming, in general, requires special considerations under these circumstances.

An added issue is the requirement in PL94-142 to encourage parent involvement. EHA goes so far as to require surrogates for those whose parents cannot participate or who are not available. The implications of this requirement of parent involvement in the face of incarceration is clouded by the various authorities involved with these youngsters including attorneys for the parents, attorneys for individual children, probation department, and courts. There are parents of these children that are incarcerated themselves. It is all too commonplace to have a youth in juvenile facilities whose parents are also in jail.

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If there is to be educational opportunity provided to the youth that are in the custody of the juvenile court system, there are several requisites which must be addressed.

1. The educational program should fall within the responsibility and authority of an educational agency. This educational agency would

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need to have governance authority over participating member districts.

2. The program must employ qualified staff who meet state requirements for teaching credentials.
3. The education program should be based on individualized assessment and instruction.
4. The education program should reflect community proficiency standards as well as curriculum.
5. The primary orientation should be basic skills instruction with a focus on remedial intervention.
6. A follow-up or outreach program must be available to support those returning to community placements(schools or jobs).
7. The education program should meet the state service mandates for regular non-adjudicated youth; standards which provide opportunities for the student to reintegrate into community schools without having fallen woefully out of place in the regular school program.
8. Vocational training opportunities must be integrated into the overall program for each youngster in the facility.
9. There must be an emphasis on affective development; building self-image as well as improving a student's ability to form successful relationships.

The juvenile court schools program in Los Angeles County serves 4000 youngsters daily and approximately 45,000 students annually at 39 facilities. Juvenile court schools serve a student population of adjudicated wards of the court. Students allegedly are guilty of charges related to Section 602 of the Welfare and Institutions Code, which means that they have committed an act that would be considered a felony if they were adults. Gang affiliation is prevalent, as is use of drugs and alcohol. A small percentage of the population comes from an upper-middle class

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background, however, the majority come from the lower socioeconomic stratum. There are diverse ethnic and cultural backgrounds. The combination of ethnic and cultural factors makes it essential to provide a comprehensive educational program.

With the history of failure in community schools, almost all youth coming under court authority are truants and drop outs. The Juvenile Court Schools students arrive deficient not only in credit accumulation and the motivation to achieve, but also in the skills necessary for achievement. Some are learning disabled. Most are interested in earning a high school diploma, but do not see this as a realistic goal. The majority believe earning a living is a more desirable objective; however, job opportunities are limited. A very small percentage has college attendance as a goal.

Among the facilities in Los Angeles County are detention camps operated by the Probation Department for 14 to 21 year old felons, community day classes for those on probation and living in the community, placement day classes for students placed in a licensed children's institution(court ordered), and classes for neglected and abused youngsters on temporary placement at Maclaren Children's Center, the County shelter. Two of the camp facilities are designated as high security facilities. The high turnover rate amongst the wards of the court and the many placement facilities requires a greater amount of administrative support, particularly with regards to continuity in school programming across facilities. Division standards have been established for meeting the course of study requirements through the high school years and the Board of Education has adopted County graduation requirements commensurate with local district requirements.

Largely because of the isolated nature of detention facilities, students in

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court schools do not have a rich array of extracurricular activities or outside school events as part of their educational experience. The major emphasis, therefore, is on the teaching of basic academic skills and the remediation of poorly acquired skills. The average court school is characterized by small class sizes and individualized prescriptive educational programming. A traditional single-topic, large-group instructional mode does not work.

Behavior management is an important component of the court schools curriculum. Because of the serious crimes committed, because of neglect, of traumatic separation, behavior patterns have been created that manifest themselves in a wide range stretching from covertly antisocial to blatantly hostile. Others experience mental trauma resulting from fear, shame, despair, or loneliness. In one way or another, all detained court school students face uncertainty about their future and mixed feelings about their past.

In 1978, the Los Angeles County Office of Education made a commitment to pursue full accreditation of its educational program with the Western Association of Schools and Colleges. The process is a lengthy one involving self review, the establishment of curriculum evaluation procedures, and on-site validation and review by an independent accreditation team. Upon completion of the on-site review process, accreditation was awarded for five years, the first stage of full accreditation. In 1984, the court schools went through a followup review and, as a result of that review, were awarded accreditation for six years.

A major component of the curriculum in the court schools settings is the assessment/prescription program. By agreement, those students to be placed in a secure facility are first processed through one of four

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assessment centers located at the juvenile halls. After processing, a thorough academic assessment has been completed and a comprehensive individualized plan has been developed for the student's educational program.

The educational program offerings for youngsters under the jurisdiction of the courts in Los Angeles County range from a "regular" course of study at including a departmentalized program to highly structured self-contained programs with special services that include work experience, special education, counseling, and independent study. Independent study is available for eligible students and provides flexibility to assist: 1) former students unable to enter local public schools; 2) students returning to the community and requiring only 10-15 credits to fulfill graduation requirements; and 3) students in maximum security facilities who are detained from attending regular court school programs. The independent study program is an alternative to classroom instruction, however, the content remains consistent with the Court Schools Division's course of study.

Paper presented at the Annual Convention
of the
Association for Children and Adults with Learning Disabilities
(22nd, San Francisco, CA, February 20-23, 1985)